IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9505 of 2005

Between:

Akula Ramakrishna, S/o.Pakeer Rao,

Age 38 years, T.C.No.4, Uppalguptam Water Users

Association, R/o.Uppalaguptam, Village and Mandal,

East Godavari District

..... PETITIONER

AND

1 The Election Officer, Uppalguptam Water Users Association

cum Special Deputy Collector, Chagallunadu Lift Irrigation Scheme,

Rajahmundry.

2 The Mandal Revenue Officer, Uppalaguptam Mandal,

Uppalaguptam, East Godavari District.

3 The Revenue Divisional Officer, Amalapuram,

East Godavari District.

4 The District Collector, East Godavari District,

Kakinada, East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order more particularly one in the nature of writ of

mandamus declaring the action of the respondents in continuing the election process under the election notification dated 21.04.2005 for the President and Vice President posts of Water Users Association, Uppalaguptam, East Godavari District in spite of the reports of abductionand illegal detention of the president candidate Sri Peyyala Balakrishna and another member Sri Peyyala Satyam to keep them away from the election and in spite of a serious law and order situation as reported by the 2nd respondent MRO and by the village sarpanch as illegal and arbitrary, malafide and against the basic principles of democracy apart from violating the constitutional guarantees and consequently to direct the respondents to postpone the election process till the abducted persons are traced and are made available for elections and to pass such other order or orders.

Counsel for the Petitioner:MR.K.SARVA BHOUMA RAO

Counsel for the Respondent No.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

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This writ petition is filed seeking a Writ of Mandamus declaring the action of the

respondents in continuing the election process under the election notification dated 21.04.2005 for the President and Vice President posts of Water Users Association, Uppalaguptam, East Godavari District, in spite of the reports of abduction and illegal detention of the president's candidate

Sri Peyyala Balakrishna and another member Sri Peyyala Satyam, to keep them away from the election, and in spite of a serious law and order situation as reported by the 2nd respondent MRO and by the village sarpanch, as illegal and arbitrary, and consequently to direct the respondents to postpone the election process till the abducted persons are traced and are made available for elections.

Inasmuch as the writ petition is filed after issuance of election notification notifying the schedule of the election, this Court cannot entertain the same under Article 226 of the Constitution of India. Hence, the writ petition is dismissed. No order as to costs.

(ELIPE DHARMA RAO,J)

Dated:25.04.2005

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To

1 The Election Officer, Uppalguptam Water Users Association

cum Special Deputy Collector, Chagallunadu Lift Irrigation Scheme,

Rajahmundry.

2 The Mandal Revenue Officer, Uppalaguptam Mandal,

Uppalaguptam, East Godavari District.

3 The Revenue Divisional Officer, Amalapuram,

East Godavari District.

4 The District Collector, East Godavari District,

Kakinada, East Godavari District.

5 2 CCs to the G.P. for GP for Irrigation & Comm Area Dev., High Court of A.P., Hyderabad.

6 2 CD copies.